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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,390	01/30/2004	Kenji Hashinoki	P/1250-269	9443
2352	7590	05/20/2005	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			MASINICK, MICHAEL D	
		ART UNIT	PAPER NUMBER	
		2125		

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/769,390	HASHINOKI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael D. Masnick	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 1/30/2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 and 10-15 is/are rejected.
- 7) Claim(s) 2-4 and 9 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1/30/2004</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

Claims 1-15 are pending in this case. Priority has been established to Feb. 3, 2003.

Examiner notes that this application contains an amount of patentable subject matter not clearly set forth in the claims. While the specification can be read into the claims in some instances, the claims as currently written are overly broad and can be interpreted in many different ways due to the verbose wording.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,809,510 to Goetzke et al.

3. Referring to claim 1, Goetzke shows an apparatus for performing a predetermined process on a group of substrates, the processing procedure of said group of substrates being determined for each substrate unit to be processed including at least one substrate, said apparatus comprising a plurality of cells each including: at least one processing unit (Column 1, line 16 “processing unit”); at least one substrate inlet (“ports 9” – Column 5, lines 50-55 – figure 3); a plurality of substrate outlets (“ports 10” – Column 5, lines 50-55 – figure 3); a transport element for transporting a substrate between said at least one processing unit, said at least one substrate

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inlet, and said plurality of substrate outlets (“conveyor system” or “cassette” depending on interpretation of the claim); and a controller for controlling said at least one processing unit and said transport element (column 2, lines 21-25), wherein said controller in each of said plurality of cells controls said transport element so that a substrate received into each cell by way of said at least one substrate inlet is transferred outwardly of each cell by way of one of said plurality of substrate outlets which is determined by transport setting established for each cell and for a substrate unit to which said substrate belongs, and so that substrates determined to be transferred outwardly by way of said one of said plurality of substrate outlets by said transport settings are transferred outwardly in the order in which said substrates are made ready for outward transfer.

4. Examiner notes that this last paragraph is confusing as written. The process of transporting substrates in the order in which they are made ready for transport would be inherent to any manufacturing process, so this phrase is not specifically cited in the art. If this is not the correct meaning, amendment should be made to the claim to address the claim meaning.

5. Referring to claims 5 and 6, Goetzke shows all elements of these claims with respect to 1.

6. Referring to claim 7, Goetzke shows at least one of the plurality of cells includes at least one of a processing unit for processing a substrate using a chemical solution and a thermal processing unit for heating or cooling a substrate (Column 1, line 22).

7. Referring to claim 8, Goetzke shows all elements of these claims with respect to 1.

8. Referring to claim 10, Goetzke shows all elements of this claim with respect to 1 except wherein a first substrate belonging to a first substrate unit is received into each cell before the completion of an intra-cell process of a second substrate preceding said first substrate and

belonging to a second substrate unit different in transport setting from said first substrate unit (Column 3, lines 8-20).

9. Referring to claim 11, all claim elements have been previously shown.
10. Referring to claim 12 and 13, Goetzke shows at least one substrate inlet includes a plurality of substrate inlets (Figure 3); said at least one processing unit includes a plurality of processing units (Figure 3); and said controller in each of said plurality of cells allows said transport element to outwardly transfer a substrate made ready for outward transfer earlier when substrates belonging to a plurality of substrate units different in transport setting are received into each cell by way of a common one of said plurality of substrate inlets and are subjected to an intra-cell process in a common one of the plurality of processing units (Column 3, lines 20-59).
11. Referring to claim 14 and 15, these additional elements have been shown with respect to their addition in claims 12 and 13.

#### *Allowable Subject Matter*

12. Claims 2-4, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Masinick whose telephone number is (571) 272-3746. The examiner can normally be reached on Mon-Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MDM



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